

ORDINANCE NO. 08-24

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE IV. PURCHASING AND COMPETITIVE BIDDING, DIVISION 2. COMPETITIVE BIDDING PROCEDURES, AND IN PARTICULAR, BY ADDING A NEW SECTION, HIALEAH CODE § 2-815.1 ENTITLED "PROTEST" TO ESTABLISH A PROCEDURE TO PROTEST A CONTRACT AWARD RESULTING FROM AN INVITATION FOR BID, REQUEST FOR PROPOSALS OR REQUEST FOR QUALIFICATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to provide a procedure to protest a contract award resulting from an invitation to bid, requests for proposal or request for qualifications.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article IV. Purchasing and Competitive Bidding, Division 2. Competitive Bidding Procedures, of the Code of Ordinances of the City of Hialeah, Florida, by adding a new section, Hialeah Code § 2-815.1 entitled "Protest", is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

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ARTICLE IV. PURCHASING AND COMPETITIVE BIDDING

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DIVISION 2. COMPETITIVE BIDDING PROCEDURES

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Sec. 2-815.1 Protest.

Any responsible bidder, qualified bidder, or any qualified offeror, submitting a responsive bid or proposal, who is aggrieved in connection with the solicitation or the proposed award of a contract may file a written protest with the city clerk within 7 days after the date the city council awards the contract. The city council shall consider the protest at the next regularly scheduled council meeting. The protest shall state the particular grounds and law on which it is based and shall include all pertinent documents and evidence. The protest may not challenge a portion of the bid, minor irregularities in the bidding procedure or bid or proposal itself, the relative weight of the evaluation criteria, or the formula for assigning points in making an award determination. The protest shall be accompanied by a filing fee in the amount of \$1,000.00 to defray expenses that shall be refunded to the protestor if the protest is upheld by the city council. The city shall not proceed further with the award of the contract until the protest is resolved by the city council unless the city makes a determination that the award of contract must be continued without delay in order to avoid an immediate and serious danger to the public health, safety or welfare. No protest shall be accepted unless it complies with the requirements of this section. The protestor may appeal the decision of the city council regarding the protest to the circuit court,

appellate division, within 30 days from the date of city council's decision.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 8th day of April, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



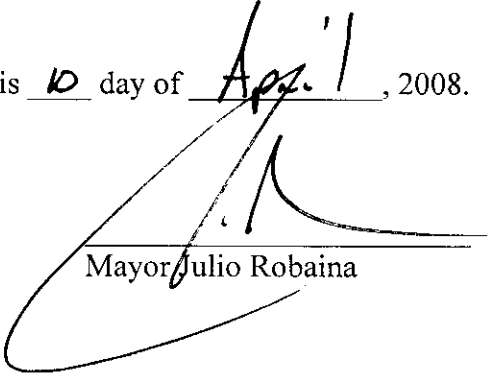
Esteban Bovo
Council President

Attest:

Approved on this 10 day of Apr. 1, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".